

The Standard

RALEIGH, N. C., WEDNESDAY, DECEMBER 22, 1858. VOL. XXIV.—No. 51. WHOLE NUMBER 1239.

(Continued from fourth page.) The resolution providing for the distribution of Dr. Remond's report was ratified.

The consideration of the bill to establish the county of Clingman was now resumed. Mr. Dobson moved to lay on the table. Rejected. Mr. Ealey submitted to the Senate a proviso of the constitution affecting the law of the question.

Mr. Thomas supported the bill. He insisted that the Legislature had a right to establish counties without the requisite population; that counties could be created for municipal purposes, as territories were organized preparatory to becoming States.

Mr. Lankford opposed the bill. It would work a grievance to at least one of the counties named. He denied the accuracy of the statement as to population in 1850. Franklin had within a fraction of the population requisite to entitle her to two members in the Commons, and it was now proposed to take off a piece of her and keep her in that condition.

Mr. Battle denied Franklin would have sufficient population in 1860 to entitle her to another member. The people of the part of that county proposed to be taken off were in favor of the bill. Mr. Lankford had heard no complaints in Franklin, and stated that no man in that county had traveled more than 18 to 20 miles to Court.

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to meet the issues of all the rest including the principal bank. As to small notes, he (Mr. A.) had always been and was yet a "hard money" man. He would be glad to see every bank limit its notes to \$20. The Bank of Cape Fear would willingly acquiesce in a general law to that effect, but it objected to being discriminated against. Mr. Ashe alluded to the disadvantage this bank labored under as compared with the Bank of the State, in the deposits made by the public treasurer, who received a large amount of small notes in his settlements with sheriffs, which this bank could not receive (under \$5) because she could not pay them out. He concluded by urging the amendment as to Directors being made proxies—otherwise a large proportion of the stock in the bank would go unrepresented, it being inconvenient for stockholders at a distance to attend on all occasions.

Mr. Donnell did not understand that the principal bank was bound to receive notes of its branches. He concurred with Mr. Steele. The bank had suffered nothing under the present charter, and he would vote against the bill. Mr. Turner said the purpose of the law was to protect the little banks which had no power to insure the big ones. If a little one did make a run, the big ones had ample means of retaliating by accumulating its notes, coming down upon it, and it would be heard of no more. The Cape Fear Bank was subject to no restrictions not placed upon the others. But the State Bank refused its charter. He admitted the Bank of Cape Fear had acted better, and it would have been well if the State Bank had pursued the same liberal policy. If the State Bank should be rechartered, he (Mr. T.) would insist upon the same restrictions, and the friends of the Cape Fear Bank should do so too. In conclusion he said the 17th section restricted the large banks—they could keep the little ones in their place.

Mr. Edney desired to understand the question. [Here the Senate became somewhat "mixed," and it appeared a hard matter to get it straight.] Mr. Edney declared that any bank that would not receive the notes of its branches in payment of debts should not have a charter. Mr. Lane thought Senators had got the matter in a fog, and proceeded to clear it up by a statement of the question. Every bank or branch should redeem its own issues and no other. Was in favor of Directors acting as proxies—had not a dollar in bank stock, and never expected to have. Would vote for the bill. Messrs. Edney and Pool took exception to the report of the committee.

Mr. Edney moved to re-commit the bill to enable the committee to amend their report. Mr. Martin moved to adjourn; Mr. Thomas demanded the yeas and nays; Mr. Martin withdrew the motion; Mr. Turner renewed it; Mr. Thomas renewed his demand, but withdrew it, and the Senate adjourned at about 2 o'clock.

HOUSE OF COMMONS. At half-past nine o'clock the House was called to order. Mr. Reeves presented a memorial from nearly 1,000 citizens of the county of Surry, asking for the opening of the Yadkin river. Mr. Walker presented a memorial from certain citizens for an alteration of the law relative to slander. Mr. Dula presented a memorial relative to the liquor traffic. A number of reports were received from standing committees, among which were reports in adverse to the establishment of new counties by the name of Briggs and Dobbin.

Mr. Tomlinson's resolution that no bill should be printed without the recommendation of the committee to whom it was referred, was lost by a vote of 50 to 38, two-thirds not voting in his favor. Mr. Walker, a resolution relative to Cherokee lands. The following new bills were read the first time and referred: Mr. Lewis, to consolidate the offices of Clerk and Master in Equity with that of Superior Court Clerk. Ordered to be printed by a vote of 40 to 38. Mr. Dortch, to add a fourth Judge to the Superior Court. Mr. Speer, to abolish the freehold qualification for jurors. Mr. Norwood, to incorporate the Hillsboro' Savings Institute. Mr. Simonon, to amend 2d sec. 37th chap. Rev. Code.

Mr. Foy moved to reconsider the vote rejecting the bill relative to the fisheries of Onslow county, and in doing so, took occasion to reple charges made against the citizens of Onslow county by the member from Carteret, (Mr. Leffers.) He stated several facts to show that the bill was needed, and wished a reconsideration. Mr. Leffers replied, and insisted on the correctness of his statements made on yesterday. He hoped the House would not pass the bill. The motion to reconsider was rejected. THE BILL INCREASING THE FEES OF CONSTABLES BEING READ. Mr. Dortch stated the bill gave a per centage to constables the same as that given to sheriffs. His object was, by increasing the remuneration, to get more respectable men for the office. Messrs. Kerr, Thompson, Smith and Drake supported the bill. Messrs. Fagg, T. R. Caldwell, Byrd and Walsler opposed it. Rejected—yeas 13, nays 95. SPECIAL ORDER. The bill to prohibit the issue of bank notes of less value than three dollars, was rejected by a vote of 76 to 31. MESSAGE RECEIVED FROM THE SENATE, transmitting Judge Ruffin's acceptance of the office of Judge of the Supreme Court, which being read, was On motion of Mr. Caldwell, of Guilford, ordered to be spread upon the journals. BILLS ON THEIR SECOND READING. The bill to restore the trials to the County Court of Cleveland passed its second reading, and the rules being suspended, it passed its third reading. The bill to protect purchasers under judicial sales. Passed. The bill to prohibit the cutting of timber on the Tuckahoe and Trent rivers. Passed. The bill to incorporate the Wilmington Light Infantry passed its second reading, and at a later period, on the day passed its third reading. The bill to amend 78th chap. Rev. Code, entitled official bonds. Passed. The bill to amend 68th chap. Rev. Code, entitled marriage. Passed. This bill provides that all marriages solemnized by persons professing to be authorized to celebrate the rites of matrimony, shall be valid, if the marriage be in other respects lawful, and be consummated in the belief of the contracting parties that they are lawfully married. The bill requiring the day of receiving and executing to be noted on judicium process. Passed.

The bill to make husbands liable for the debts of their deceased wives passed. The bill to encourage the planting of oysters and clams passed. On motion of Mr. Foy, the rules were suspended, and the bill passed its third reading. The bill to authorize the erection of a toll-bridge over the Yadkin river passed. The bill to incorporate the Newbern Light Infantry passed. The bill to incorporate the Raleigh Gaslight Company passed. The bill to incorporate the Atlantic Mutual Fire and Marine Insurance Company passed. The bill to incorporate the Cherokee County Turnpike Company. Mr. Walker spoke in favor of the bill. Passed. The resolution in favor of H. N. Britton, of Haywood county. Mr. Love explained the nature of the claim, and it passed its second reading. The private bill for the county of Franklin, after a few remarks from Mr. Green, passed. A motion to adjourn being adopted by a vote of 52 to 44. The House then adjourned.

FRIDAY, Dec. 17, 1858. SENATE. The Senate met at 10 o'clock—no prayers. A message received from the House transmitting the reports of sundry corporations with a proposition to print. Concurred in, and On motion of Mr. Houston, the statements of the several companies were referred to the appropriate committees recently appointed. REPORTS OF COMMITTEES. The following bills were reported favorably on: Mr. Houston, from the committee on the judiciary, to increase the salaries of judges, with an amendment; Mr. Brown, from the committee on banks and currency, to amend the charter of the Bank of Cape Fear, re-committed on yesterday; Mr. Humphrey, from the committee on corporations, to incorporate the Lake Landing Canal Company. Mr. Dillard, from the same committee, to incorporate the Fairfield Canal Company. Mr. Donnell, from the committee on the judiciary, to amend the 28th sec. 7th chap. Rev. Code. Mr. Lane, from the committee on propositions and grievances, in favor of Sol. M. Ray, and Jackson Stuart; respecting the pilots of Ocracoke and Hatteras inlets, requesting to be discharged from his further consideration, which was concurred in; relative to the picnic and resort of the Board and Yancey, recommending its passage, in favor of the bill to enlarge the powers of the commissioners of the town of Tarboro', against the passage of the bill to amend the 7th clause 23rd sec. 34th chap. Rev. Code; and against the passage of the bill to establish the county of King.

Mr. Carmichael, from the committee on the judiciary, in favor of the passage of the bill ceding jurisdiction to the U. S. in the purchase of a tract of land in Raleigh. Mr. Lankford, from the same committee, in favor of the bill to alter the time for holding County Courts in Jones county. Mr. Gorrell, from the same, against the passage of the bill to amend the 30th sec. 10th chap. Rev. Code. Mr. Davidson, from the committee on claims, in favor of the resolutions for the relief of J. A. Vinson, H. Strader, and Donald Frazier. Mr. Steele moved that a resolution instructing the committee on finance to enquire into the expediency of repealing the tax on collateral descents. Rejected. NEW BILLS. Mr. Humphrey introduced a bill to extend the powers of the New River Navigation Company. Referred to the committee on internal improvements. Mr. Flanner, a bill to extend the corporate limits of the town of Newbern. Corporations. Mr. Ashe, a bill concerning the Wilmington and Weidon Railroad Company. Internal improvements. Mr. Bledsoe moved that a resolution recommending the committee on internal improvements be referred to the committee on internal improvements. Adopted. ENCLOSED BILLS. Received a message from the House transmitting a number of engrossed bills which were read the first time and passed, and which will be noticed on the second reading.

Mr. Edney moved to take up the bill to amend the charter of the Western N. C. R. R. Co. Concurred in. He now offered a substitute as an amendment, and moved that it be printed and, with the bill, re-committed to the committee on internal improvements. Also concurred in. Mr. Thomas moved to re-commit the bill to incorporate the N. C. Central Atlantic and Pacific Railroad Company. Concurred in. BILLS ON THEIR SECOND READING. The bill to enlarge the powers of married women in certain cases was put upon its second reading. Mr. Houston moved that it be made the special order for Tuesday next at 12 o'clock. Adopted. BANK OF CAPE FEAR. On motion of Mr. Brown, the consideration of the bill to amend the charter of the Bank of Cape Fear was resumed on its second reading. The question was on the adoption of the amendments of the committee, which will have been gathered from the discussion on this question on the 17th inst. Mr. Steele proposed to amend the substitute by retaining the 17th section as it stands in the charter, and adding to it as follows: "And the corporation or person upon whom the demand is made shall first give the notes of the bank making the same." Mr. McDonald was in favor of the 17th section in the charter. Mr. Brown thought the amendment of Mr. Steele would obviate the difficulty complained of by the bank as resulting from the 17th section. He thought it as fair as possible—that it would protect the small banks as well as the large ones and at the same time protect individuals. He would support the amendment. Mr. Bledsoe would admit the amendment to be good as far as it went, but it did not cover the whole ground. He illustrated the hardship it failed to remedy in this way: Suppose the Bank of Cape Fear had \$10,000 of the notes of the Bank of Yanceyville. They are presented for payment. The Yanceyville Bank has \$5,000 of the notes of the Bank of Cape Fear, which the amendment of Mr. Steele says she must first use in settling the demand. The Cape Fear Bank receives them, and then demands the other \$5,000 in specie. But instead of paying specie for these notes, a pledge for which is on the face of every one of them, the Bank of Yanceyville pays down \$5,000 of the notes of some branch of the Bank of Cape Fear. Mr. Steele would put all banks upon an equality, without regard to whether they had branches or not. His amendment might not meet all the difficulty, but it was preferable to that of the committee. Mr. Steele continued, and read from the statement of the Bank of Cape Fear to show the inequalities of the issues in its branches—contrasting that at Raleigh with that at Asheville, with a view to show that the issues increased in proportion to the inaccessibility of the branches. He regarded the banks with branches as a nuisance. Local banks were quite as useful to the community, and transacted their business as well as their larger banks. Mr. Bledsoe now thought the question had assumed the character of a warfare between the friends of local banks and State banks. He maintained that the amendment of Mr. Steele gave local banks the privilege of refusing to redeem their notes. The Bank of Cape Fear had a restriction no other bank had. Her notes represented specie which could be had at her counters on demand, and she had a right to demand that the notes of all other banks should be met in like manner. Mr. Steele said no other bank was in the same position as the Bank of Cape Fear. The same restrictions

were imposed on the State Bank, but she had refused the charter. Mr. Bledsoe said Mr. Steele was mistaken. The last Legislature had repealed those restrictions by an almost unanimous vote, and had given to the State Bank a charter without one of them. Mr. Turner thought they ought to legislate to put every bank upon the same footing and without regard to branches. If banks chose to establish branches, let them take care of them. Mr. Ashe concurred with Mr. Bledsoe's view of Mr. Steele's amendment. It was clearly impossible for the bank or any of its branches to redeem the notes of others. If the Senate regarded branches as useless they could say so by their votes; but if not, then they should not allow them to suffer. Mr. Leach thought the branches in no great danger as they had specie enough to protect them. Mr. Pool opposed the bill at some length. He concurred in Mr. Steele's amendment. If local banks were run on they had a right to defend themselves as best they could. Mr. Cherry would reserve his defence of banks with branches till the proper time. The amendment of Mr. Steele was adopted. Mr. Pool offered an addition to Mr. Steele's amendment, as follows: "In case they have the same on hand at the time such demand is made. Adopted. Mr. Brown proposed to amend the bill by striking out of the second section "\$5" and inserting "\$10," to reserve to the Legislature, the right of prohibiting hereafter the issue of notes below that denomination. Mr. Steele opposed the amendment, which was rejected. Mr. Donnell moved to strike out the section authorizing the issue of \$5 bills, called for the yeas and nays. The Senate then voted—aye 38, no 5, as follows: For the bill—Messrs. Ashe, Battle, Bledsoe, Blount, Carmichael, Cherry, Cowper, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Leach, Martin, McDonald, McDowell, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Straught, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—38. Against the bill—Messrs. Brown, Cunningham, Davidson, Donnell and Pitchford—5.

Mr. Houston moved to suspend the rules to put the bill on the table for the present. Rejected. Mr. Donnell objected. On motion of Mr. Thomas, the Senate adjourned till 10 o'clock to-morrow. HOUSE OF COMMONS. The House was called to order a few minutes before 10 o'clock. PETITIONS. Mr. Fleming, from the citizens of Salisbury in favor of extending banking facilities in that town. Mr. Speer, from certain citizens of Surry county, relative to the opening the Yadkin river. Mr. Fagg, from certain citizens of Madison county, asking to be attached to Yancey county. Reports were received from several standing committees. Mr. Love, from committee on Internal Improvements, reported favorably on the bill for a survey of a Railroad from the French Broad river, west in the direction of the Chatanooga line. RESOLUTIONS—FIRST READING. Mr. McCotter, in favor of J. H. Forbes and others. Mr. Cox, of Pitt, in favor of Calvin Evans, of Pitt county. Mr. Bryson, in favor of E. D. Davis, of Jackson county. Mr. Hill, of Stokes, that the committee on corporations and currency be, and they are hereby instructed, to inquire into the condition of the Farmers' Bank of Elizabeth City, and report whether, in their opinion, that bank has violated its charter; and if so, what action this Legislature ought to pursue in order to compel the directors and stockholders to surrender their charter. The following bills were read the first time and referred: Mr. Farrow, to charter Lake Landing Navigation Company. Mr. Mearns, concerning pilots. Mr. Clapp, to incorporate the town of High Point, Guilford county. Mr. Ward, to authorize the consolidation of certain Railroad companies. Mr. Harrington, to amend an act concerning the Superior Court in Harrow county. Mr. Foy, to establish the fees of Clerks and Masters in Equity. Mr. Reeves obtained leave to withdraw the memorials relative to the opening of Yadkin river, to present them to the Senate. The bill to amend the act concerning the Superior Court in Harrow county. The bill to amend the act incorporating the town of Lenoir, in Caldwell county. It regulates the granting of liquor licenses. Mr. Dula spoke in favor of the bill, and the necessity of its being passed for the benefit of the academies in the town. Mr. Hill proposed the felling of timber in certain rivers in Rowan county. The bill to incorporate the Educational Association of N. C. The bill concerning Common Schools. It makes various regulations relative to the amount of taxes collected in each county, to the duties of superintendents, &c. The Senate bill to provide for running a dividing line between North Carolina and Virginia. The bill to incorporate the Davenport Female College. The bill to incorporate Catawba College. The Senate bill to authorize the Governor to furnish arms to Franklin School, Duplin county. The Senate bill to authorize the Governor to furnish arms to the military schools of the State. The Senate bill to amend the 6th sec. 9th chap. Rev. Code relative to the distribution of the acts of the General Assembly, was. On motion of Mr. Martin, amended by striking out "90 days" and inserting "30 days." The Senate bill to amend 19th sec. 59th chap. Rev. Code. The bill to incorporate the Lincoln Lodge 137 A. Y. M. SPECIAL ORDER. The resolution declaring E. G. Haywood, member from Wake, disqualified to hold his seat on the floor of the House was read. Mr. McKay considered Mr. Haywood entitled to 30 days notice of the intention to contest his seat, according to the act of Assembly. There was no contest on the part of the member from Wake; the question was whether he was eligible or not. Mr. Smith considered the case out of the contemplation of the statute, which only related to contests between individuals, and could not affect this case. Mr. Kerr thought it might be necessary to divide the resolution into two clauses. The Speaker decided against the proposition. Mr. Haywood deemed it his duty to defend the rights of his constituents, as jealously as if he was anxious to retain his seat. He considered that he was entitled to get notice to prepare himself for trial in this as in other ordinary cases. He was indifferent to the decision of the House, but would protest against anything done contrary to law. Mr. Smith, before discussing the main question, argued against the demand of 30 days notice, and then entered into a general argument against Mr. H.'s right to a seat in the House, and proceeded to prove that a Court of Equity was a Court of Record within the meaning of the Constitution. Mr. S. then examined the constitutional question as much

length, to establish the ineligibility of a person holding an office of trust or emolument to a seat on the floor of the House. He concluded, by stating that he regretted his convictions compelled him to vote in favor of the resolution. Mr. Haywood obtained leave to address the House, stating he came unprepared to take part in the discussion. He maintained that his arguments remained, not only untouched, but unanswerable, and made a condensed recapitulation of his former arguments, in a very impressive and able manner. Mr. McKay moved to postpone further consideration of the case until the 15th of January. Rejected by a vote of 93 to 11. The resolution then passed—yeas 92, nays 8, as follows: For the resolution—Messrs. Beid, Blount, Bridges, Brumell, Bryson, Bullock, Burke, Byrd, Caldwell of Burke, Caldwell of Guilford, Chambers, Clapp, Costner, Cox of Jones, Cox of Pitt, Craven, Dancy, Dickson, Dockery, Dorch, Drake, Duke, Elder, Fagg, Farrow, Ferber, Fleming, Foy, Gaither of Davis, Gaither of Fredell, Gayles, Goding, Drexon of Chatham, Green of Franklin, Hall of Rowan, Hargrove, Harrington, Henry, Hester, Hill of Stokes, Higgins, Holdslaw, Jones of Orange, Kerr, Kirby, Lenke, Leffers, Lewis, Love, Lyon, McCotter, Martin, Masten, Mearns, Moore of Chatham, Moore of Martin, Morehead, Morgan, Newby, Norman, Norout of the second section "\$5" and inserting "\$10," to reserve to the Legislature, the right of prohibiting hereafter the issue of notes below that denomination. Mr. Steele opposed the amendment, which was rejected. Mr. Donnell moved to strike out the section authorizing the issue of \$5 bills, called for the yeas and nays. The Senate then voted—aye 38, no 5, as follows: For the bill—Messrs. Ashe, Battle, Bledsoe, Blount, Carmichael, Cherry, Cowper, Davis, Dillard, Dobson, Douthitt, Edney, Flanner, Gorrell, Guyther, Houston, Lane, Lankford, Leach, Martin, McDonald, McDowell, Miller, Mills, Pool, Ramsay, Reinhardt, Speight, Steele, Straught, Taylor, Thomas, Turner, Walkup, Ward, Whitaker, Williams and Worth—38. Against the bill—Messrs. Brown, Cunningham, Davidson, Donnell and Pitchford—5.

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Allegany County. We cordially concur with our friends of the Western Sentinel in the following remarks in relation to the proposed County of Allegany. It is indeed hard that the Western people, many of whom know the State government only as it approaches them for taxes, which are expended elsewhere, and never among them except in rare instances, should be denied the privilege of erecting Court-Houses and other County buildings with their own money, so as to render the administration of justice among themselves more convenient and more tolerable than it now is. "Let justice be done, though the heavens should fall." The East has the Senate, and the West has the Commons; and surely, surely no risk can be incurred by Eastern gentlemen in allowing new Counties to be formed in the West, where the population is sufficient to justify the formation proposed. The face of the country, and the condition of the roads in many parts of the West are such as to render ten miles of travel there equal to twenty in the East. Besides, new Counties will not be entitled to members of the House until 1872, but will continue to vote as heretofore with the Counties from which they are formed. In 1872 another apportionment will have to be made, at which time, it is true, every County will be entitled to at least one member. But who can foresee what 1872 will bring forth?

We submit these observations with all deference and respect for others, and certainly with no wish to reflect upon our fellow-men. The Sentinel says: "The bill proposing to establish a new County, by dividing Ashe, to be called Allegany, has passed the House of Commons, and is in a fair way to be carried through the Senate. We sincerely hope that this measure will meet with success. The immense scope of territory embraced in Ashe county, the number of her population, and the almost insurmountable barriers with which her people have to contend in getting to Court, all call loudly for a division to be made, and a new County to be established. Messrs. Badham, Baxter, Allen Gentry, Esq., the able and attentive Representative from Ashe, deserves great credit for the energy with which he has carried the bill through the House."

The Legislature. On Tuesday, the two houses of the Legislature gave unmistakable evidence by their votes, that they are not satisfied with the Geological and Agricultural Survey of the State. In the House, on Wednesday, the case of William P. Taylor, a preacher of the Gospel, and one of the sitting members from Chatham county, came up for consideration. Mr. Taylor spoke for about half an hour in defence of his right to a seat, and was followed briefly by Messrs. Kerr, Morehead, and Hall, of Warren. The House, by a large majority, confirmed Mr. Taylor in his right to his seat. This decision, it is understood, was arrived at upon the ground that Mr. Taylor, though a preacher of the Gospel, has not been, and is not now, in the language of the Constitution, "in the exercise of the pastoral function." See proceedings in to-day's paper, of Tuesday and Wednesday.

We are pleased to see in the City the Hon. W. W